

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BOILERMAKERS NATIONAL
ANNUITY TRUST FUND, on behalf of
itself and all others similarly situated, et al.,

Plaintiffs,

v.

WAMU MORTGAGE PASS THROUGH
CERTIFICATES, SERIES 2006-AR1, *et*
al.,

Defendants.

Case No. C09-0037MJP

**SUPPLEMENTAL DECLARATION
OF FLOYD ABRAMS IN SUPPORT
OF THE RATING AGENCY
DEFENDANTS' MOTION TO
DISMISS THE SECOND AMENDED
CONSOLIDATED CLASS ACTION
COMPLAINT**

I, Floyd Abrams, declare under penalties of perjury pursuant to 28 U.S.C. § 1746
as follows:

1. I am a member of the New York bar and of the firm of Cahill Gordon & Reindel
LLP. My firm, together with Paul J. Kundtz and Gavin W. Skok of Riddell Williams P.S.,
serve as attorneys for Defendant The McGraw-Hill Companies, Inc. ("McGraw-Hill" or
"S&P") in this matter. By order of this Court dated December 28, 2009, I have been
granted leave to appear *pro hac vice* on behalf of McGraw-Hill. I make this declaration to
place before the Court certain documents obtained from public sources. The Court may
take judicial notice of these documents because their publication is a matter of public

1 record and cannot be reasonably questioned. I am fully familiar with the facts set forth
2 herein and make this declaration based on my personal knowledge.

3 2. On February 9, 2010, Joel P. Laitman, of the law firm Cohen Milstein Sellers &
4 Toll PLLC, submitted a letter to The Honorable Harold Baer, United States District Court,
5 Southern District of New York, regarding the pending matter *New Jersey Carpenters*
6 *Vacation Fund, et al. v Royal Bank of Scotland Group, PLC et al.*, Dkt. No. 08-cv-5093.
7 A true and accurate copy of the letter is attached hereto as Exhibit 1.

8 3. On February 16, 2010, Joel P. Laitman, of the law firm Cohen Milstein Sellers
9 & Toll PLLC, submitted a letter to The Honorable Deborah A. Batts, United States District
10 Court, Southern District of New York, regarding the pending matter *New Jersey*
11 *Carpenters Health Fund v. Novastar Mortgage, Inc., et al.*, No. 08-cv-5310. A true and
12 accurate copy of the letter is attached hereto as Exhibit 2.

13 I declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that the foregoing
14 is true and correct.

15 Executed this 28th day of May, 2010 at New York, NY.

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18 /s/ Floyd Abrams
Floyd Abrams